

REMARKS

As a preliminary matter, Applicants repeat and incorporate by reference herein those arguments set forth on pages 1 through 7 of Response B, filed November 21, 2006. The Examiner is respectfully requested to reconsider those remarks, and withdraw the outstanding rejections. The Examiner is further requested to consider the following additional remarks that expand upon those previous arguments.

Applicants submit that the asserted combination of Hubis and Kitamura, even as explained by the Examiner, still does not present a *prima facie* case for obviousness under the requirements of Section 2143.03 of the MPEP. Section 2143.03 requires that the Examiner identify within the cited art of record where each and every feature and limitation of the present claims is either taught or suggested. In the present case, however, this requirement still has not been met. As asserted, the proposed combination of Hubis and Kitamura merely alleges that the several *elements* of the claimed invention are present in the prior art, but not that all of the claimed interrelationships of these various elements, as clearly featured in all of the pending claims are also present. The relationship between two or more recited elements is itself a limitation of the claim that invokes the requirements of Section 2143.03.

Specifically, the outstanding rejection still does not identify where the proposed combination of Hubis and Kitamura, alone or together, teaches or suggests where a first controller acquires a storage page in the mirror area of the cache memory of a second controller by referring to the mirror management table in the first controller. In other words,

the present claims define a particular relationship between the mirror management table in the first controller and the cache memory in the second controller, and how the first controller acquires a storage page in the second controller based on this relationship. The rejection still fails to identify where any such relationship exists in Hubis and Kitamura, alone or together, and none of the Examiner's response to this overcomes this significant deficiency in the cited art.

The main flaw underlying the rejection appears most notably in the paragraph bridging pages 2 and 3 of the outstanding Advisory Action. The Examiner here acknowledges that Hubis is only relied upon for disclosing that a first controller creates a "mirrored copy in the mirror area" of the second controller, but not that this action is performed by referring to the mirror management table in the first controller. The Examiner relies only upon Kitamura to overcome this deficiency from Hubis. The cited portion from Kitamura, however, fails to disclose any relationship between two separate controllers, or that a mirror management table in one controller is utilized to acquire a storage page in the mirror area of the cache memory of the second controller.

As previously argued, and not challenged on the record, Kitamura does not describe how its cited mirror management table can be utilized with respect to two separate controllers. Applicants' previous argument remains undisputed on the record that Kitamura's mirror management table 35 only relates to the mirror storage region 36 that is part of the same controller. In other words, Kitamura fails to teach any relationship between two separate controllers based on the cited mirror management table.

Applicants submit that the Examiner has not considered the independent claims as a whole when he asserts that how Kitamura “registers the content to be mirrored in the mirror management table” is somehow equivalent to the acquisition of a storage page in the second controller’s cache memory by referring to the mirror management table in the first controller. Again, a separate link between the second cache memory and the first mirror management table is still missing from the Examiner’s citations to the prior art. In effect, the Examiner has only cited Kitamura for relating a mirror area to a mirror management table. The Examiner has not established any link, however, between a mirror area in one controller and a mirror management table in the other controller. As previously discussed, Section 2143.03 requires that the Examiner be able to identify this particular claimed relationship between the two elements, or obviousness cannot be established. Because no such link has been identified, the rejection should be withdrawn.

Applicants further submit that the outstanding Advisory Action also fails to rebut Applicants’ argument that the asserted case of obviousness is also deficient according to Section 2143.01 of the MPEP. The portion of Kitamura’s text cited by the Examiner still fails to rebut the argument. Specifically, the Examiner again cites col. 14, lines 21-38, of Kitamura to justify the proposed combination with Hubis, but nothing in this cited text relates to the proposed *combination*. As previously argued, the cited text from Kitamura could only motivate one of ordinary skill in the art to implement Kitamura’s mirror management table within the context of Kitamura’s system only. By definition, every

published patent should provide some motivation to utilize its disclosure. Section 2143.01 though, requires much more to justify a proposed combination of two or more references.

It is not enough that the Examiner cite a portion from one prior art reference that claims how its own particular invention is useful. Instead, Section 2143.01 requires that the Examiner be able to identify a teaching or suggestion in the art that indicates how the proposed combination would separately be useful. In the present case, this requirement still has not been met either. The Examiner has merely cited a portion from Kitamura that claims the utility of its own invention. The cited portion fails, however, to claim any utility when used in conjunction with any system similar to that disclosed by Hubis. The combination may not be simply presumed.

Moreover, Section 2143.01 further requires that the rejection establish objective evidence on the record that the actual combination proposed is affirmatively taught or suggested. Rejections may not be justified merely upon an explanation for why the Examiner himself believes a particular combination of two separate references is possible. In the present case, the only evidence on the record to justify the combination of Hubis with Kitamura is the Examiner's own explanation for how he believes the combination is possible. The text cited to support the explanation fails to actually teach or suggest the desirability of the proposed combination. Accordingly, the outstanding rejection is still further deficient under Section 2143.01 for these reasons as well.

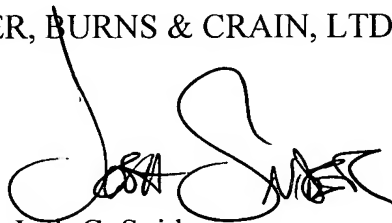
Lastly, to further satisfy the submission requirements for a Request for Continued Examination, new independent claim 17 is presented for the Examiner's

consideration. Claim 17 is similar to claim 1, but recites how one controller manages a paging allocation of a mirror area in the other controller. Applicants submit that the cited art of record, alone or in combination, fails to teach or suggest this relationship as well between the individual elements of the two respective controllers. Entry, consideration on the merits, and allowance of new claim 17 is also respectfully requested.

For all of the foregoing reasons, Applicants submit that this Application, including claims 1-17, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,
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By

A handwritten signature in black ink, appearing to read "J. Snider", is written over the printed name "Josh C. Snider".

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